



General Assembly

January Session, 2011

**Committee Bill No. 5444**

LCO No. 2760

\*02760HB05444INS\*

Referred to Committee on Insurance and Real Estate

Introduced by:  
(INS)

**AN ACT CONCERNING THE VALUE OF A TOTALLED MOTOR VEHICLE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-353 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) Whenever any damaged motor vehicle covered under an  
4 automobile insurance policy has been declared to be a constructive  
5 total loss by the insurer, the insurer shall, in calculating the value of  
6 such vehicle for purposes of determining the settlement amount to be  
7 paid to the claimant, use at least the average of the retail values given  
8 such vehicle by [(1) the National Automobile Dealers Association used  
9 car guide or any other publicly available automobile industry source  
10 that has been approved for such use by the Insurance Commissioner,  
11 and (2) one other automobile industry source that has been approved  
12 for such use by said commissioner] any publicly available sources  
13 provided by the insurer and the insured. For the purposes of this  
14 section, "constructive total loss" means the cost to repair or salvage  
15 damaged property, or the cost to both repair and salvage such  
16 property, equals or exceeds the total value of the property at the time

17 of loss.

18 (b) The insurer shall provide to the claimant, not later than the date  
 19 the insurer pays the claimant the settlement amount for such vehicle,  
 20 (1) a detailed copy of such insurer's calculation of such vehicle's  
 21 constructive total loss value, and (2) [if applicable, a copy of any  
 22 valuation report provided to the insurer by any automobile industry  
 23 source that is not publicly available, and (3)] a written notice disclosing  
 24 that the claimant may dispute such settlement amount by contacting  
 25 the Insurance Department. The written notice shall include the  
 26 following statement, which shall appear in the final paragraph of the  
 27 notice in not less than twelve-point type: "If you do not agree with this  
 28 valuation, you may contact the Consumer Affairs Division within the  
 29 Insurance Department". The notice shall include the address and toll-  
 30 free telephone number for the division and the Insurance Department's  
 31 Internet address.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	38a-353

**Statement of Purpose:**

To allow the use of any publicly available sources to calculate the value of a totalled motor vehicle for purposes of determining the settlement amount of such vehicle to be paid to the claimant.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. MEGNA, 97th Dist.

H.B. 5444